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THE ANDHRA PRADESH GAZETTE

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

ANDHRA PRADESH STATE WAQF BOARD, VIJAYAWADA

SUSPENSION REVOKED - REINSTATED AS MUTHAWALLI FOR HZT. BABA FAQRUDDIN AULIA (Rh) AND ITS ATTACHED PROPERTIES OF PENUGONDA VILLAGE & MANDAL- ANANTAPURAMU DISTRICT.

Ref:-

1. This office Proceedings No:R1/2/ATP/DCB/2014, Dated: 01-03-2014.
2. This office Proceedings No:R1/2/ATP/DCB/2014, Dated:10-03-2014.
3. The Enquiry Officer Report, Dated: 20-11-2014.
4. This Office Show Cause Notice No:R1/2/ATP/DCB/2014, Dated: 18-01-2016
5. The Hon'ble High Court in W.P. No: 5471/2016 by the Muthawalli.
6. The Hon'ble High Court W.A.No:623/2016 by A.P. State Waqf Board.
7. The Explanation submitted by Muthawalli Dated: 08-09-2016.
8. Remarks of the Legal Adviser Dated : 29-11-2016.
9. Report of the Inspector Auditor Waqfs, Anantapuramu District, Dated : 07-11-2017.
10. Orders of the Competent Authority, APSWB, Dated: 01-12-2017.

F.No.14/M/ATP/2014/Z-IV,- The Waqf Institution namely Dargah Hzt. Baba Faqrudin Aulia (Rh) Situated at Penugonda Village & Mandal, Anantapuramu District with its attached properties comprising to an extent Ac.3,318-40 cents is a registered and notified Waqf property published in A.P. Gazette dated:28-06-1962 granted under T.D.No.1186 of Nadimpally Village and T.D.No.1146 and 1196 of Penugonda village, Anantapuramu District.

In the reference 1st read above, the Board has issued directions to the I.A.Waqf, Anantapuramu District U/s 64 (5) of Waqf Act 1995 to take charge of the subject Waqf institution till further orders.

In the reference 2nd read above, the Board has extended the suspension period beyond ten (10) days and a regular Enquiry Officer Janab Ahmed Ali was appointed.

In the reference 3rd read above, the Enquiry Officer has submitted enquiry report.

In the reference 4th read above, the Board has issued Show Cause Notice to the Mutawalli (under suspension) reassessing the evidence on record on the findings of the enquiry report.

In the reference 5th read above, the Mutawalli (Under Suspension) filed in W.P. No.5471/2016 in the Hon'ble High Court and obtained interim stay on the ground that U/s 64 (3) of Waqf Act 1995, by a 2/3rd majority of the Board alone have powers to remove the Mutawalli, but not the Competent Authority of the Waqf Board.

In the reference 6th read above, the interim order was challenged by the Waqf Board by filing Writ Appeal No.623/2016. The Hon'ble Division bench of the High Court disposed the Appeal and W.P.No.5471/2016 and passed orders at the request of the both parties without giving detailed reasons and passed orders.

In the reference 7th read above, the Mutawalli (under suspension) has submitted his explanation regarding acceptance for payment of Waqf fund for the past 5 years and consent for coming three financial years and requested to revoke the suspension orders of Mutawalli of the subject Dargah.

In the reference 8th read above, the Legal Advisor has opined that the Suspended Mutawalli has surrendered and relinquished his objections raised earlier while questioning the proceedings of the suspension orders and appointment of Enquiry Officer. The Legal Advisor felt that, since the Suspended Mutawalli as realized his mistake and came forward, it would be desirable to consider and accept the explanation.

In the reference 9th read above, the I.A.Waqf, Anantapuramu District has recommended for considering the revoke of suspension orders, subject to undertaking from the Mutawalli (under suspension) to pay the Waqf fund assessed by the Board, that he develops the Dargah in providing facilities to pilgrims with the permission of Waqf Board, that every year audit the income and submit expenditure & budget proposal through the Chartered Accountant.

The matter was placed before the Competent Authority, APSWB, who after examining the matter, passed orders vide reference 10th read above to revoke the suspension after obtaining the affidavit from the Mutawalli (under suspension) of

the subject Waqf institution. Subsequently, Janab.K.S.S.B.Ruknuddin Ahmed Hussaini Sohaverdi @ Taj Baba S/o Late K.S.S.B Abdal Hussaini has submitted the Affidavit of the undertaking dated:04-12-2017, wherein specified that 1) He shall pay the Waqf fund for the past Five (5) years i.e., prior to date of suspension on the Income of Rs.50.00 Lakhs per annum 2).He shall take make Payment of Waqf fund on Income of Rs.50.00 Lakhs or actual Income whichever is higher for (3) successive years 3) He shall pay the Waqf fund on the actual Income regularly 4) He shall take up the developmental activities for providing facilities to the pilgrims of the subject Waqf institution.

Accordingly, the suspension of Janab K.S.S.B.Ruknuddin Ahmed Hussaini Sohaverdi @ Taj Baba S/o Late K.S.S.B Abdal Hussaini as Mutawalli of subject Waqf institution is hereby revoked.

The Mutawalli shall note that the Sec.3 (ee) defined encroacher. Sec.51 (1A) prohibits alienation of Waqf property in any manner. Sec.52 (A) speaks rigorous imprisonment up to two years for the lapses shown therein. Sec.61 also speaks penalty as well as punishment up to six months for the lapses shown therein.

As per Sec. 101 (2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". The Mutawalli shall maintain the Accounts diligently and scrupulously being the public Servant. The Mutawalli shall act in accordance with the provision of the Waqf Act, Rules, and Regulations including rental rules'2014 framed by Central Waqf Council. The Hundies shall be opened by the Mutawalli only in the presence of I.A.Waqf or any other Officer deputed by the Waqf Board.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,

*Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.*

To

Janab K.S.S.B.Ruknuddin Ahmed Hussaini Sohaverdi @ Taj Baba S/o Late K.S.S.B Abdal Hussaini, Mutawalli, Dargah Hzt. Baba Faqrudin Aulia (Rh), Penugonda Village & Mandal, Anantapuram District, Anantapuramu District. (Through IA Waqfs, Ananhtapuramu District).